

REMARKS

The application is believed to be in condition for allowance.

The indication that the formal objection to claim 1 has been withdrawn is gratefully acknowledged.

There are no formal matters pending.

Substantive Issues - Section 103

The Official Action rejected claims 1, 3-8, 10, 12-15, 18 and 20-28 under 35 USC 103(a) as being unpatentable over Anders et al. (US 7,384,000; "ANDERS") in view of Nishikawa et al. (US 5,581,065; "NISHIKAWA").

In response, it is respectfully submitted that ANDERS is not proper prior art to the present invention.

The present invention claims priority to French Application FR 0311364 which was filed with the French Patent Office on September 29, 2003.

ANDERS was filed in the U.S. July 19, 2004.

Hence, the U.S. filing date for ANDERS is subsequent to the present application's foreign filing date in France. Specifically, the Applicant claims the benefit of the priority filing date of French Application FR 0311364, filed on September 29, 2003, under the provisions of 35 USC 119. A certified copy of French Application FR 0311364 was submitted to the U.S. Patent Office on March 28, 2006.

The claim to the priority date of FR 0311364 is hereby perfected by submission of a copy of the specification as filed with the instant application with a translator's statement verifying that the aforementioned specification is an accurate English-language translation of FR 0311364. The re-submitted specification and the translator's statement are provided in the Appendix of this response.

In accordance with MPEP § 201.15, it will be apparent that the Applicant is entitled to the priority date of September 29, 2003. Therefore, it is respectfully submitted that the primary reference ANDERS applied in the rejection for obviousness is not prior art to the present invention.

Further, even if it could be established that ANDERS predicated the present application, it is respectfully submitted that the combination of references offered by the Official Action fail to render obvious the invention as claimed.

Accordingly, it is respectfully solicited that the rejection of claims 1, 3-8, 10, 12-15, 18 and 20-28 as being unpatentable under 35 USC 103(a) over ANDERS in view of NISHIKAWA be withdrawn.

Reconsideration and allowance of the claims are respectfully requested.

From the foregoing, it will be apparent that Applicant has fully responded to the February 9, 2010 Official Action and that the claims as presented are patentable. In view of this,

Applicant respectfully requests reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, the Examiner is invited to telephone the attorney for Applicant at the number set forth below if the Examiner is of the opinion that further discussion of this case would be helpful.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item(s):

- an English translation of foreign priority document French Application FR 0311364, and a translator's verification statement as to said English translation.